

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KARL JOSHUA,  
Plaintiff,  
v.  
JAMES DZURENDA, et al.,  
Defendants.

Case No. 2:23-cv-01087-MMD-VCF

**ORDER**  
(ECF No. 1)

On July 13, 2023, pro se plaintiff Karl Joshua, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). The application to proceed *in forma pauperis* is incomplete because Plaintiff did not include a financial certificate or an inmate trust fund account statement for the previous six-month period with the application. Instead, Plaintiff submitted a document titled “Affidavit,” stating that he requested his required financial documents from prison officials on five occasions in the past seven weeks but has not yet received them. (ECF No. 1 at 4–5). Plaintiff speculates without detail that the administration is refusing to provide his financial documents. (*Id.* at 5). The Court denies the incomplete application to proceed *in forma pauperis* without prejudice and grants Plaintiff an extension of time to either file a new fully complete application or pay the full \$402 filing fee.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma**

1 ***Pauperis* for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly  
2 signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is  
3 page 4 of the Court’s approved form, that is properly signed by both the inmate and a  
4 prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**  
5 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
6 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
7 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
8 See 28 U.S.C. § 1915(b).

9 **II. CONCLUSION**

10 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
11 is denied without prejudice.

12 It is further ordered that Plaintiff has **until September 22, 2023** to either pay the  
13 full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis*  
14 with all three required documents: (1) a completed application with the inmate’s two  
15 signatures on page 3, (2) a completed financial certificate that is signed both by the  
16 inmate and the prison or jail official, and (3) a copy of the inmate’s trust fund account  
17 statement for the previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
20 to refile the case with the Court, under a new case number, when Plaintiff can file a  
21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Karl Joshua the approved form  
23 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
24 retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED THIS 21st day of September 2023.

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27  
28 UNITED STATES MAGISTRATE JUDGE